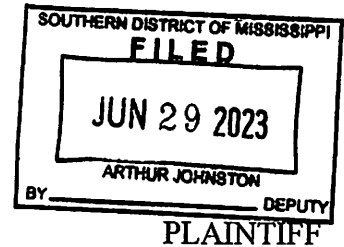


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



OLD CANTON ROAD
APARTMENTS, LTD.

V.

CIVIL ACTION NO. 3:20-CV-797-DPJ-FKB

TOPVALCO, INC., ET AL.

DEFENDANTS

JURY VERDICT

Consistent with the Court's other instructions, please answer the following questions.

Question No. 1: Do you find that Plaintiff Old Canton Road Apartments, Ltd. ("Old Canton"), has proven by a preponderance of the evidence that Defendants Topvalco, Inc., and The Kroger Co. (collectively referred to as "Kroger") were negligent?

☒ Yes ☐ No

If your answer to Question No. 1 is No, your verdict is for Kroger and you need proceed no further. The foreperson should sign and date the verdict form. If your answer to Question No. 1 is Yes, please proceed to Question No. 2.

Question No. 2: Do you find that Kroger has proven by a preponderance of the evidence that Old Canton was negligent?

☒ Yes ☐ No

Please proceed to Question No. 3.

Question No. 3: What are the total amount of damages proximately caused by Kroger's negligence and/or Old Canton's negligence (if any)? These totals should not include injuries caused by neither party, such as damages caused by acts of God.

Lost rent: \$ 80,000

Cost of repairs: \$ 880,000

Decrease in fair market value: \$ 595,000

Please proceed to Question No. 4.

Question No. 4: To what percentage did Old Canton and Kroger cause the total damages listed in Question No. 3? If your answer to Question No. 2 was No, then place a zero next to Old Canton. Your answers must total 100%.

Old Canton 70 %

Kroger 30 %

Total = 100%

Date: 6-29-23